

REMARKS

In response to the above-identified Office Action, Applicants amend the Application and respectfully request reconsideration in view of the following remarks. In this Response, Applicants amend claims 1, 5-6, 8-20, 25, 28-31, 34, 38-39, 41-53, 58, 62-53, 65-76, and 82. Applicants do not cancel or add any new claims. Accordingly, claims 1-6, 8-39, 41-63, and 65-82 remain pending in the Application.

I. Claims Rejected Under 35 U.S.C. § 102

A. The Kidder Reference

Claims 1, 4, 9-11, 14-17, 19-21, 23-26, 34, 37, 42-44, 47-50, 52-54, 56-58, 61, 66-68, 71-74, 76-78, and 80-81 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,445,774 issued to Kidder et al. ("*Kidder*"). Applicants respectfully traverse the rejection.

To anticipate a claim, the cited reference must disclose each and every element of the rejected claim (*see* MPEP § 2131). Among other elements, independent claim 1 defines a method for decision analysis and resolution comprising the steps of "relating a solution to the root cause based on the event" and "autonomously repairing the root cause when the event can be repaired automatically." Applicants submit that *Kidder* fails to disclose at least these elements of claim 1.

In making the rejection, the Patent Office alleges that the disclosure of a workflow system that "allows network monitors to identify which network component within the network generated the all" is the equivalent to the elements of "relating a solution to the root cause based on the event" (*see* Paper No./Mail Date 20080722, pages 2-3, citing *Kidder*, Abstract). Furthermore, the Patent Office alleges that the disclosure of a system "handling an event report" is the equivalent of autonomously resolving the root cause when the event can be resolved automatically" (*see* Paper No./Mail Date 20080722, page 3, citing *Kidder*, Col. 4, lines 44 and 49-50). Applicants respectfully disagree with the Patent Office's characterization of *Kidder*.

Kidder discloses a system for "the detection, reporting, and resolution of anomalies in a telecommunications network" (*Kidder*, Col. 1, lines 6-8). More specifically, *Kidder* discloses:

Methods and systems for automating the dissemination and processing of alarm reports received from a telecommunications network are provided. Alarm reports, which are provided to network monitors by a network management system, correspond to alarms that

are generated by the telecommunications network. Network monitors view these alarm reports and group them together to form event reports. The network monitors then uses the event reports to produce trouble reports that are processed by a trouble management system. The trouble management system dispatches field engineers to repair networks anomalies in accordance with these trouble reports. An automated workflow system provides automated alarm report dissemination and processing. The automated workflow system provides a graphical interface to view and manipulate alarm reports and to automatically create and handle event reports and trouble tickets. The workflow system also allows network monitors to identify which network component within the telecommunications network generated a specific alarm and to append telecommunications network site and topology data to event reports. The automated workflow system also tracks the status of the trouble tickets subsequent to their creation and automatically updates associated event and alarm reports. (*Kidder*, Abstract).

As such, Applicants submit that *Kidder* discloses methods and system where the computing system identifies a problem, generates a trouble ticket for the problem, and notifies a user of the problem so that the user can fix the problem. Therefore, Applicants submit that *Kidder* fails to disclose at least the elements of, “relating a solution to the root cause based on the event” and “autonomously REPAIRING the root cause when the event can be REPAIRED automatically,” as recited in claim 1 (emphasis added).

Regarding the elements of resolving the root cause of an event, Applicants previously argued that “handling an event report” does not repair the root cause of the event because the root cause of an event is the problem itself. Again, Applicants reproduce Column 4, lines 43-50 of *Kidder*, in its entirety:

These tools automate network monitor procedures such as creating events, assigning alarm reports to events, creating trouble tickets against events, assigning trouble tickets to network monitors, tracking trouble tickets, updating alarm report status to indicate which alarm reports have been handled by a trouble ticket, and updating alarm report status to indicate which alarm reports have been cleared by the closing of an event.

Applicants submit that “these tools” as disclosed in *Kidder* merely automate the administrative processes of creating an event from alarm reports, track the progress of the event as it is being

worked out, and close the event when the problem has been fixed. It is illogical to think that *Kidder's* system creates an event from an alarm report (i.e., creates a problem from an alarm report) so that it can later handle the event (i.e., repair the problem) that it created earlier. Thus, there is no indication that the tools in *Kidder* themselves autonomously repair the event, only that the tools administratively monitor the event. In fact, *Kidder* states that:

The automated workflow system is a set of tools for interfacing network monitors, service management systems such as TMSs, and network management systems. The automated workflow system provides a graphical interface that supports the network monitors in generating event reports and providing trouble tickets to field engineers. (Col. 5, lines 55-61, emphasis added).

Furthermore, *Kidder* discloses that the TMS 205 is responsible for distributing trouble tickets to the field engineers for appropriate servicing" (Col. 6, line 66-Col. 7, line 1, emphasis added). Therefore, Applicants submit that the system in *Kidder* does not actually repair any problems, but rather, notifies field engineers of the problem, which field engineers then fix the problem. Thus, Applicants submit that *Kidder's* recitation of "handling an event report" is the administrative processes related to the event reports and trouble tickets, and not to repairing the event because *Kidder* specifically discloses that field engineers, not the workflow system, fix the event.

At least for the reasons discussed above, *Kidder* fails to disclose each and every element of claim 1. Therefore, claim 1 is not anticipated by *Kidder*. Accordingly, Applicants respectfully request withdrawal of the rejection of independent claim 1.

Claims 4, 9-11, 14-17, 19-21, and 23-24 depend from claim 1 and include all of the elements thereof. Therefore, Applicants submit that claims 4, 9-11, 14-17, 19-21, and 23-24 are not anticipated by *Kidder* at least for the same reasons as claim 1, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 4, 9-11, 14-17, 19-21, and 23-24.

Regarding claims 25-26, 34, 37, 42-44, 47-50, 52-54, 56-58, 61, 66-68, 71-74, 76-78, and 80-81, Applicants submit that each of these claims recite elements similar to claim 1 discussed above. Therefore, Applicants submit that claims 25-26, 34, 37, 42-44, 47-50, 52-54, 56-58, 61, 66-68, 71-74, 76-78, and 80-81 are not anticipated by *Kidder* at least for the same reasons as claim 1, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal

of the rejection of claims 25-26, 34, 37, 42-44, 47-50, 52-54, 56-58, 61, 66-68, 71-74, 76-78, and 80-81.

B. The *Brown* Reference

Claims 1, 25, 34, 58, and 82 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,446,058 issued to Brown ("*Brown*"). Applicants respectfully traverse the rejection.

To anticipate a claim, the cited reference must disclose each and every element of the rejected claim (*see* MPEP § 2131). Among other elements, independent claim 1 defines a method for decision analysis and resolution comprising the steps of "autonomously repairing the root cause when the event can be resolved automatically." Applicants submit that *Brown* fails to disclose at least these elements of claim 1.

In making the rejection, the Patent Office characterizes Col. 7, lines 46-48 of *Brown* as disclosing the above-referenced elements of claim 1. Applicants respectfully disagree with the Patent Office's characterization of *Brown*.

Column 7, lines 46-48 of *Brown* state:

All MessageQ alarms can now be described in terms of how they differ from this default alarm. Given values assigned to attributes, the system provides alarm status for automatic or manual resolution.

Applicants submit that the description of "automatic or manual resolution" relates to automatically or manually being able to determine the proper solution to the problem, not to repairing or correcting the root cause of the event. Specifically, in several sections, *Brown* specifically describes that it is the job of computer maintenance engineer (CME) to fix any events detected by *Brown*'s system (*see* Col. 2, lines 31-36; Col. 4, lines 28-31; and Col. 6, lines 5-8). Therefore, *Brown* fails to disclose each and every element of claim 1.

The failure of *Brown* to disclose each and every element of claim 1 is fatal to the anticipation rejection. Therefore, claim 1 is not anticipated by *Brown*. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 1.

Regarding claims 25, 34, 58, and 82, Applicants submit that each of these claims recite elements similar to claim 1 discussed above. Therefore, Applicants submit that claims 25, 34, 58,

and 82 are not anticipated by *Brown* at least for the same reasons as claim 1, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 25, 34, 58, and 82.

II. Claims Rejected Under 35 U.S.C. § 103

A. *Kidder* in view of *Valadarsky*

Claims 2, 35, and 59 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Kidder* in view of U.S. Patent No. 7,043,661 issued to Valadarsky et al. ("*Valadarsky*"). Applicants respectfully traverse the rejection.

To render a claim obvious, the cited references must teach or suggest each and every element of the rejected claim (see MPEP § 2143). Claims 2, 35, and 59 each depend from an independent claim (i.e., independent claims 1, 34, and 58, respectively) discussed above with respect to the anticipation rejection based on *Kidder*. In rejecting claims 2, 35, and 59, the Patent Office characterizes *Kidder* similar to the anticipation rejection discussed above. Applicants have discussed above the shortcomings of *Kidder* in disclosing at least the elements of, "relating a solution to the root cause based on the event" and "autonomously repairing the root cause when the event can be repaired automatically," and submit that such discussion is equally applicable to an obviousness rejection of claims that depend from claims 1, 34, and 58 based on *Kidder*. The Patent Office relies on the disclosure in *Valadarsky* to cure the defects of *Kidder*; however, Applicants submit that *Valadarsky* fails to cure such defects.

In making the rejection, the Patent Office does not cite *Valadarsky* as teaching or suggesting the elements of "relating a solution to the root cause based on the event" and "autonomously repairing the root cause when the event can be repaired automatically," as recited in claims 2 (via independent claim 1), or similarly recited in claims 35 (via independent claim 34) and 59 (via independent claim 58). Moreover, in reviewing *Valadarsky*, Applicants are unable to discern any sections of *Valadarsky* disclosing such elements. Therefore, *Valadarsky* fails to cure the defects of *Kidder*. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2, 35, and 59.

B. *Kidder* in view of *Paradies*

Claims 5-6, 8, 12-13, 18, 22, 27-33, 38-39, 41, 45-46, 51, 55, 62-63, 65, 69-70, 75, and 79 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Kidder* in view of U.S. Patent No. 6,463,441 issued to *Paradies* (“*Paradies*”). Applicants respectfully traverse the rejection.

To render a claim obvious, the cited references must teach or suggest each and every element of the rejected claim (*see* MPEP § 2143). Claims 5-6, 8, 12-13, 18, 22, 27-33, 38-39, 41, 45-46, 51, 55, 62-63, 65, 69-70, 75, and 79 each depend from an independent claim (i.e., independent claims 1, 34, and 58) discussed above with respect to the anticipation rejection based on *Kidder*. In rejecting claims 5-6, 8, 12-13, 18, 22, 27-33, 38-39, 41, 45-46, 51, 55, 62-63, 65, 69-70, 75, and 79, the Patent Office characterizes *Kidder* similar to the anticipation rejection discussed above. Applicants have discussed above the shortcomings of *Kidder* in disclosing at least the elements of, “relating a solution to the root cause based on the event” and “autonomously repairing the root cause when the event can be repaired automatically,” and submit that such discussion is equally applicable to an obviousness rejection of claims that depend from claims 1, 34, and 58 based on *Kidder*. The Patent Office relies on the disclosure in *Paradies* to cure the defects of *Kidder*; however, Applicants submit that *Paradies* fails to cure such defects.

In making the rejection, the Patent Office does not cite *Paradies* as teaching or suggesting the elements of, “relating a solution to the root cause based on the event” and “autonomously repairing the root cause when the event can be repaired automatically,” as specifically recited or similarly recited in claims 5-6, 8, 12-13, 18, 22, 27-33, 38-39, 41, 45-46, 51, 55, 62-63, 65, 69-70, 75, and 79. Moreover, in reviewing *Paradies*, Applicants are unable to discern any sections of *Paradies* disclosing such elements. Therefore, *Paradies* fails to cure the defects of *Kidder*. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 5-6, 8, 12-13, 18, 22, 27-33, 38-39, 41, 45-46, 51, 55, 62-63, 65, 69-70, 75, and 79.

III. Claim Amendments

Claims 5-6, 8-20, 28-31, 38-39, 41-53, 62-53, and 65-76 have been amended so that various elements recited in claims 5-6, 8-20, 28-31, 38-39, 41-53, 62-53, and 65-76 are consistent with their respective independent claims.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (480) 385-5060 or jgraff@ifllaw.com.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 50-2091 for any fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
INGRASSIA FISHER & LORENZ, P.C.

Dated: October 31, 2008

/JASON R. GRAFF/
Jason R. Graff
Reg. No. 54,134
(480) 385-5060
Customer No. 29906